IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

Bail Appl..No. 3749 of 2007()

CRMP.5176/2007 of J.M.F.C.-I,KOTTARAKKARA
CRIME NO.337/07 OF KOTTARAKKARA POLICE STATION

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PETITIONR/ACCUSED:

SUNDARESAN, S/O. KUNJUKUNJU,
AGED 37 YEARS, SETHUBHAVNAM, POOVATTOOR PADINJARU,
KULAKKADA VILLAGE, KOTTARAKKARA TALUK.

BY ADV. SRI.K.S.MANU (PUNUKKONNOOR)
SRI.P.SREEKUMAR

RESPONDENTS: COMPLAINANT:

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1. SUB INSPECTOR OF POLICE, KOTTARAKKARA.

2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY P.P. SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 3749 of 2007

Dated this the 21st day of June, 2007

ORDER

Application for regular bail. The petitioner faces allegations under Secs.498A and 306 of the IPC. The petitioner's wife allegedly consumed poison and committed suicide. The conduct and behaviour of the petitioner was allegedly responsible for such commission of suicide by her. Initially, allegation was raised under Sec.498A of the IPC. Subsequently, allegation under Sec.306 of the IPC has also been added.

2. The petitioner continues in custody from 12/6/07. The learned counsel for the petitioner prays that the petitioner may, at this stage, be enlarged on bail. He submits that there is nothing to indicate or suggest (or even alleged) to show that the petitioner had committed any act with the intention of bringing about the result of commission of suicide by his wife. There is nothing to show that he could even expect such

consequence of commission of suicide by his wife on account of his conduct. The children of tender years have to be looked after. In these circumstances, a lenient may be taken, he prays.

3. The learned Public Prosecutor does not seriously oppose the said prayer and I am satisfied, in the facts and circumstances explained above, that the petitioner can be granted bail subject to appropriate conditions.

4. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT, JUDGE)

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